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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,321	08/27/2003	Jung-Ho Kim	1594.1265	5315
21171	7590	05/01/2007		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER DWIVEDI, VIKANSHA S	
			ART UNIT 3746	PAPER NUMBER
			MAIL DATE 05/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/648,321

Applicant(s)

KIM ET AL.

Examiner

Vikansha S. Dwivedi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10,13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 7 and 10 are rejected under 35 U.S.C. 103(a) as being obvious over Pedrotti et al.

With regard to claim 1 Pedrotti et al. discloses the apparatus as claimed. Pedrotti et al. discloses an air circulating device, comprising: a housing (110) having an air inlet port (280) and an air outlet port (310) arranged to be in and/or closely adjacent with opposing surfaces of the housing (110, shown in Figure 1 and opposing surfaces of the housing shown in Figure 3), respectively, with a plug (230) provided on a surface of the housing to be connected to a power source (Shown in figure 2); fan (260) within the housing operable with power from the power source; wherein the air circulating device is configured to be structurally supported by the plug (230) when connected to the wall outlet; further comprising a socket provided at a surface of the housing, thus allowing a plug of another electrical device to be connected to the socket (Column 1, lines 55-56, also shown in Figure 1, as 160); wherein the housing further comprises a unit (120) to support a scented material, to affect the olfactory quality of the circulated air (Column 3,

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lines 13-23) and is capable of having the rotating direction of the fan changeable such that air blowing directions of the inlet port and outlet port are selectively changeable.

While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function, because apparatus claims cover what a device is, not what a device does (*Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990)). Thus, if a prior art structure is capable of performing the intended use as recited in the preamble, or elsewhere in a claim, then it meets the claim.

Claims 2, 3 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Pedrotti et al. as applied to claim 1 above in view of Hilleman (U.S. Patent number 6,725,797).

Pedrotti et al. as applied to claim 1 above does not disclose an air circulating device wherein the inlet port is provided at the front of the housing, and the outlet port is provided on a rear circumferential surface of the housing such that air drawn in the inlet port and out the outlet port is forced out the outlet port in a direction substantially parallel to a surface supporting a power outlet. Hilleman provides teaching for inlet port (96) is provided at the front of the housing, and the outlet port (50) is provided on rear circumferential surface of the housing such that fluid drawn in the inlet port and out the outlet port is forced out the outlet port in a direction substantially parallel to a surface of the structure. He explains that this design choice helps lower frontal drag and creates a

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positive circulation (Column 7, lines 22-30). Teachings of Hilleman will help to cure deficiencies of Pedrotti et al. and can be used towards an air circulating device wherein the inlet port is provided at the front of the housing, and the outlet port is provided on rear circumferential surface of the housing for the purposes of reducing drag and providing better air-circulation. Regarding Claim 3, Pedrotti et al. discloses the housing with two casings, front and rear, as shown in Figure 3, it does not disclose an inlet in the front casing and the outlet in the rear casing. Hilleman as described above discloses the same and also provides motivation to do so.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pedrotti et al. in view of Olivier (U.S. Patent number 6,769,140 B1).

Pedrotti et al. discloses the claimed invention substantially, similarly to that as applied to claim 1 above, except a mode switch, which selectively controls the air movement direction. Olivier discloses a switch that is capable of causing the control means to activate the drive motor to rotate a fan (50) in clockwise and anti-clockwise directions (Column 5, lines 60-63). Mode switches have been commonly used in ceiling fans to change the rotational motion of ceiling fans to circulate air in desired direction depending on the season, Olivier discloses this concept of selectively controlling the air movement direction in a small fan and therefore it would have been obvious to use a mode switch, which selectively controls the air movement direction as disclosed by Olivier in view of Pedrotti et al. to create air-circulation in the desired direction.

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Claim 5, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pedrotti et al. in view of Olivier further in view of Hilleman.

As explained above over Pedrotti et al. in view of Olivier discloses the claimed invention substantially, Hilleman provides teaching for inlet port (96) is provided at the front of the housing, and the outlet port (50) is provided on rear circumferential surface of the housing such that fluid drawn in the inlet port and out the outlet port is forced out the outlet port in a direction substantially parallel to a surface of the structure. He explains that this design choice helps lower frontal drag and creates a positive circulation (Column 7, lines 22-30). Teachings of Hilleman will help to cure deficiencies of Pedrotti et al. in view of Olivier.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pedrotti et al. in view of Apple (U.S. Patent number 5,833,349).

As explained above over Pedrotti et al. discloses the claimed invention substantially except a timer to operate the time of the blowing fan. Apple in the background and information disclosure talks about disadvantages of prior art and explicitly mentions that wall socket plug-in night lamps with timers that limit the on time of night light are well known in the art, since wall socket mounted freshener assembly (air circulating device) and wall socket plug-in night lamps are in the similar field of endeavor, it would have been obvious to use the known night light timers in the air circulating device to control the running time of the fan.

Claim 8 is rejected under 35 U.S.C. 103(a) as being obvious over Pedrotti et al. as applies to claim 7 above.

With regard to Claim 8 Pedrotti et al. does not disclose a an air circulating device wherein the socket (as above) is provided opposite to the surface of the housing having the plug, regarding this claim, there is no criticality or unexpected or non-obvious advantage over choosing one design over the other. The applicant's specification does not state this limitation as serving any advantage or particular purpose or solving any stated problem. The prior art reference could have been modified by providing the socket opposite to the surface of the housing having the plug without changing any significant functional feature. The socket provided opposite to the surface of the housing having the plug is therefore mere design choice and not a critical aspect of the claimed invention or the prior art.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikansha S. Dwivedi whose telephone number is 571-272-7834. The examiner can normally be reached on M-F, 8-4.

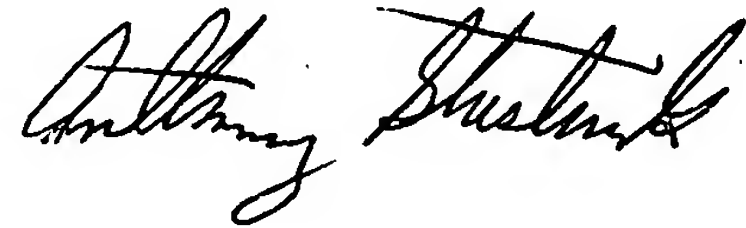
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 571-272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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